

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF TEACHING

In the Matter of the Proposed
Revocation of the Teaching License
of Nancy Ann Cook

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

The above-entitled matter came on for hearing before Administrative Law Judge Steve M. Mihalchick on March 1, 1999, at 9:30 a.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Minneapolis, Minnesota. Martha J. Casserly, Assistant Attorney General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, appeared on behalf of the Board of Teaching (the Board). There was no appearance by or on behalf of Respondent, Nancy Ann Cook. The record closed upon this matter upon the close of the hearing on March 1, 1999.

NOTICE

This Report is a recommendation, not a final decision. The Board of Teaching will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Michael L. Tillmann, Acting Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, MN 55113-4266, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue in this case is whether Respondent's teaching license should be revoked for failure to complete a full background check by failing to return a fingerprint card as required by the Board in accordance with Minn. Stat. § 122A.18, subd. 8(a)(1).

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of and Order for Hearing in this matter was served upon Respondent by first class mail on February 4, 1999, addressed to her last known address, 139 Western Ave. So., St. Paul, MN 55102.

2. The Notice of and Order for Hearing contained the following notice:

SHOULD A PARTY FAIL TO APPEAR AT HEARING, THE ALLEGATIONS MADE IN THIS ORDER MAY BE TAKEN AS TRUE. If the allegations in this Order are taken as true, the teaching license of Nancy Ann Cook may be revoked until such time as Nancy Ann Cook can demonstrate to the satisfaction of the Minnesota Board of Teaching that the criminal background check pursuant to Minn. Stat. § 122A.18, subd. 8 has been satisfactorily completed.

3. Respondent did not file any Notice of Appearance with the Administrative Law Judge nor make any request for a continuance or any other relief. Respondent did not appear at the hearing scheduled on March 1, 1999, nor have an appearance made on her behalf.

4. Because Respondent failed to appear at the hearing in this matter, she is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Minnesota Board of Teaching and the Administrative Law Judge have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50 and 122A.20, subd. 1(4), and Minn. R. 8700.0700, subpt. 2.

2. The Board gave proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. Respondent, having made no appearance at the hearing, and not requesting any continuance or relief, is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true.

4. Respondent failed to resubmit a fingerprint card as requested by the Board and she has thereby failed to meet licensure requirements for satisfactory completion of a full background check as required by Minn. Stat. § 122A.18, subd. 8.

5. The Board is authorized by Minn. Stat. § 122A.20, subd. 1(4) to revoke a teacher's license for failure to meet licensure requirements. Revocation until such time as Respondent demonstrates compliance with the statutes is within the Board's authority and expressly permitted under Minn. R. 8700.0800, subpt. 1.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED that the Board of Teaching take disciplinary action against the teaching license of Nancy Ann Cook.

Dated this 10th day of March, 1999.

STEVE M. MIHALCHICK
Administrative Law Judge

Reported: Default.

NOTICE OF AGENCY DECISION

Under to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.